

About Homestead Laws.

Curing of Laches, Legal Presumption.

In Frank A. Norton vs. Philip Cases (serial 01000, Chamberlain, South Dakota), the Interior Department held under date of January 26, 1910, that laches might be cured six years after entry. Entry was made Dec. 4, 1902, and contest for abandonment filed November 28, 1908, "but notice was not served upon defendant until December 4, 1908" when he was at breakfast with his wife upon the land. It appears, therefore, that notice of contest was not served upon the defendant until he had cured his laches by continuous residence upon the land for a period of at least three months prior to service of notice of said contest. There was still sufficient time left within which defendant could submit commutation proof and it appears he has made application to submit such proof. There was no attempt to show that defendant went upon his land with any knowledge of said contest, and in the absence of such showing it must be presumed that the defendant went upon his land with the intention to making that his bona fide residence and to comply with the law and inasmuch as this was done prior to the initiation of contest against his entry, his default was cured prior to the filing of said contest."

Accordingly both decisions below were reversed and the contest dismissed.

School Teacher's Residence. Defective T. and S. Application.

In the case of Effie M. Walker Ried, A. O. Stanger, Transferee serial 03934, Pierre, S. D., the General Land office rejected the proof and held the entry for cancellation. But by decision of July 9, 1910, First Assistant Secretary Pierce reversed this decision; ruling that since the entryman resided upon the land for two months continuously, at the time of establishment, then taught school for a living, maintained residence from each Friday night until Monday morning, submitted commutation proof because of bad health, had the house well furnished, sold it from the land after proof solely because parts of it were stolen during an epidemic of thieving in the neighborhood, broke and cropped five acres, and since their were no evidence of bad faith, the Government had failed to make out a case and patent should issue.

By Dertmental decision of July 8th, 1910 in the case of St. Louis, Iron Mountain and Southern Railway Company vs. J. E. Neblett (Camden, Arkansas, List B), the General Land Office action was reversed; it being held that since Neblett's timber and stone application was for an excessive amount, 320 acres, was not in duplicate, and was unaccompanied by any tender of fees, it was a mere nullity; and that since the railroad company had prior to said application made proper selection of the land un-

der its grant, though designating the wrong act of Congress. "It is simply a matter of amendment to permit a proper designation of the act under which the right can properly be based." Accordingly the claim of Neblett was rejected and the selection of the company allowed to stand intact it being found on further examination that the selection was properly made under the act of June 22, 1874.

Expenditures Not Residence

In the case of Edward A. Miner vs. Bridget Artery (Billings, Montana, serial 0536) both local and General Land Office dismissed the contest upon the grounds that Miss Artery's expenditure of \$700 on the claim indicated good faith, and that all of her absences were in pursuit of a living. But upon further appeal, First Assistant Secretary Pierce held on October 15, 1909, that as the largest item of cost was her traveling expenses to and from the City of Butte, that as Miss Artery was only on the land a few days at a time; and that as she followed the same employment or occupation she had before her entry. "Improvements no matter how extensive and expensive, do not take the place of residence, which is a prime and essential requisite of the homestead law. Establishment of residence contemplates and necessitates the change or abandonment of the home or domicile elsewhere. It is not sufficient to say that the claim is the home, nor is it sufficient that there may be a present intention to at some future time make the land a home. To entitle one to a homestead under the law there must be a combination of intent and action from the beginning and which continues during the statutory period allowed for earning the land." Accordingly both decisions below were reversed and the entry held for cancellation.

Upon motion for review of this decision the Department on June 27, 1910, vacated it and dismissed the contest, because of her improvements, the lack of any bad faith shown, and her refusal to sell the land on request.

Leave orders for Implement repairs with us, Milliren-Buchanan Hdw. Cco.

A Vandal Declaration.

"I do not think I will ever visit Europe again," remarked a patient looking man.

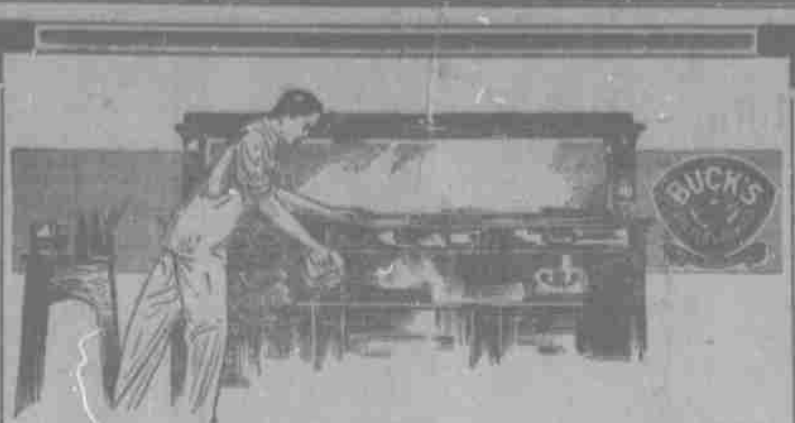
"Why so?" asked his friend. "O, I get tired of looking at antiques and curious things and fine paintings. I suppose they are all done by hand and are the work of art but a moving picture machine can clean up several times that amount of work and make it twice as interesting."

N. B. The Lyceum is putting on some extra fine films this week. Go and be convinced.

George Haigh left for Benton City, Washington, Wednesday, where he will engage in the well drilling business.

FOR RENT—Modern 6 room house. Close in.

Chas. E. Dennis, Rear 1st Nat. Bank.



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Possessing Quality, Artistic In Design and Yet Most Reasonably Priced.

These are qualities your furniture must possess and low price too must be a consideration.

These qualities our Furniture and House-furnishings possess to the very greatest degree and they are low priced.

So whatever your home demands just remember that this store has the wherewithal to meet these demands.

Quality goods—quantity goods—style of goods—reasonably priced and that we will gladly arrange terms of payment to meet your requirements on whatever the home demands.

Are you not coming tomorrow to let us satisfy these demands?

The Kitchen to Parlor Store CLOVIS FURNITURE CO.

C. S. FITZHUGH, Manager

Local Notes

The Ladies Aid of the Baptist will give a silver Tea at the home of Mrs. Milliren on Wednesday afternoon. Come and help the ladies.

For Sale.—First-class Remington typewriter in perfect condition. Inquire at this office.

The Crescent hotel is now open and ready for business. The house has been overhauled and remodeled throughout and is now one of the best, if not the best all around boarding house in Clovis. The genial Dug Hammond, its proprietor, is now ready to accommodate the public and solicits a share of your trade.

See the scientific boxing bout at the Lyceum Theatre, Friday, February 9th, Winters vs. Pappan.

F. M. Knight of Melrose, was in Clovis Wednesday attending to some land matters. While here Mr. Knight expressed himself as having great faith in the future of his home town and in the immediate development of the surrounding country by irrigation. In regard to their beet sugar factory and irrigation project Mr. Knight speaks with great pride as he says he thinks it a sure go this time.

There will be good preliminaries at the Lyceum Theatre before the main boxing bout between Mr. Winters of Raton, and the "Whirlwind Indian," Bennie Pappan of Tulsa, Okla.

If you want anything hauled anywhere, any time, call Davidson's Transfer Co., phone 85 or see him at E. T. Jernigan's Jewellery store.

Mr. M. W. Johnson arrived in town with his family last Tuesday and is busily engaged in opening his new store in Clovis. This store is now open and has three very essential departments: Grocery, Bakery and Meat market. Mr. Stockard will look after the grocery department, while our old time friend, Mr. Nelson, will do the meat cutting. With this array of competent caterers handling the essentials of life, Clovis can have no fear of going hungry. Don't forget the name and place when you need anything in their line.

Winters vs. Pappan will meet on the mat at the Lyceum Theatre for a 15 round scientific boxing bout Friday night, February 9th.

The W. C. T. U. meets Monday, February 5th, with Mrs. Ella Johnson. Everybody invited.

Mrs. Stella Dorman of Grand Saline, Texas, is here for a short visit with her sister, Mrs. E. T. Jernigan.

We receive Cream on Thursday of each week. A. J. Rodas & Co.

W. B. Buchanan of the firm of Milliren and Buchanan returned this week from Dallas, Texas, where he has been visiting relatives for several weeks.

Secure your seats now for the boxing bout Friday night, February 9th. They are selling at the Southwestern Drug Store.

Mrs. J. R. Walker will leave Friday for a short visit in Texas after which she will join her husband at their future home in Tenn. Mr. Walker has been in the grocery business for several years and the people of Clovis regret very much to lose these estimable people.

The Davidson's Transfer Co. will do your moving, just call 85 or 152 and make your wants known, they will do the rest.

Mr. Thomas returned to Slaton after a short business trip and visit with friends in Clovis.

We make a specialty of hauling baggage and express. Our office phone is 85, residence phone 152. Davidson's Transfer Company.

Mr. Beck came in on the noon train Monday after several months absence on business affairs.

Mr. J. O. Morgan came to Clovis Monday to spend a few days with his family here.

In the transfer business, our idea of giving satisfaction is to haul what you have to haul where you want it hauled and when you want it hauled—See? Davidson's Transfer Co. Phone 85.

Mrs. Mary Lyons who has been visiting her daughter for several months, returned to her home in North-eastern Kansas.

Dr. and Mrs. W. M. Kennedy have moved from Mrs. Chapman's to the other side of the building in the rooms formerly occupied by H. G. Corrs.

Mr. J. Morris has two visitors this week from his home town.

Judge and Mrs. H. D. Terrell have moved from the rooms over the Clovis National Bank to the Reidoria hotel.

Mr. Fred Triplett has returned from El Paso after a short visit with friends and relatives.

Mr. Gentry Edmonson, Chief Clerk to W. W. Davis, store keeper, has gone to Newton, Kansas, to accompany his wife home, who has been visiting her parents.

Miss Mildred Lauer has been quite sick for the past week but is now rapidly recovering.

Mrs. Jolly has returned from a short visit with relatives in Melrose.

Mr. Grady Brogetti who is employed at the firm of N. B. Morris, will leave Friday, for Tenn., where he will reside permanently.

The Clovis Commercial College installed several new latest model 10 Remington and Underwood Typewriters.

The enrollment up to date at the College is 40. Watch us grow.

Mr. W. T. Knight returned to Slaton after a short visit with relatives and friends.

The Basket Ball game between the College boys and the High school boys was a decided victory for the boys of the College. Both teams played hard and as a whole the game was very clean and fair. The line ups were as follows: College—Edmondson,

The Philathea Pie Supper at the Methodist church last Friday night was a huge success.

Claim to Lease—Will lease my claim situated 2 miles south and 1 mile east of Clovis. 70 acres broke. Will let out on crop shares. Indure at office.

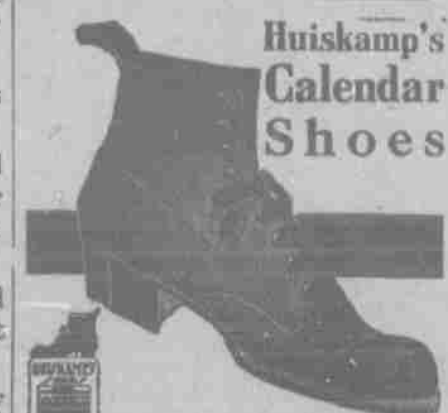
W. J. Curren.

Only well known dependable Implements sold by us see us before you buy, Milliren-Buchanan Hdw. Co.

Program at the Lyceum.

We are running Motion pictures that have been approved by the National Board of Censorship. Program changed daily.

Special attractions booked in advance: Feb. 6-Lyceum course; Feb. 8-Santa Fe Entertainment; Feb. 9-15 round Scientific boxing bout; Feb. 16-"The Man on the Box Co." Feb. 19-Albert Taylor Co. in two unique plays, "My Father's Son" and "The Wolf."



Huiskamp's Calendar Shoes

These shoes are equal to any \$5.00 and \$6.00 shoes on the market. They look as well—are just as stylish and wear as well—cost only \$3.00 and \$3.50 for ladies and \$4.00 for men's. With every pair of these shoes you get a calendar on which you mark the date you began to wear them—when they are worn out count up the days of service you have had and you will never again buy anything but Calendar Shoes.

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New Model 27 **Marlin** REPEATING RIFLE

The only gun that fills the demand for a trombone ("pump") action repeater in .25-20 and .32-20 calibres.

Shoots high velocity smokeless cartridges, also black and low pressure smokeless. Powerful enough for deer, safe to use in settled districts, excellent for target work, for foxes, geese, woodchucks, etc.

Its exclusive features: the quick, smooth working "pump" action; the non-repeating Special Smokeless Steel barrel; the modern safety and side ejector for rapid, accurate firing, increased safety and convenience. It has many other important and handy features. See our 136 page catalog describes the full Marlin line. Sent for three stamps or 10c. Write for it.

The Marlin Firearms Co. 42 Willow Street, New Haven, Conn.

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